

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NEW JERSEY STAFFING ALLIANCE,
et al.,

Plaintiffs,

No. 1:23-cv-2494

v.

ORDER

CARI FAIS, *Acting Director of the New
Jersey Division of Consumer Affairs in the
Department of Law & Public Safety, et al.*,

Defendants.

O’HEARN, District Judge.

WHEREAS, this matter comes before the Court on a Motion to Stay and Injunction Pending Appeal, (ECF No. 39), filed by Plaintiffs, New Jersey Staffing Alliance, New Jersey Business & Industry Association, and American Staffing Association (collectively, “Plaintiffs”) regarding this Court’s prior Order denying Plaintiffs’ application for injunctive relief (ECF No. 35);

WHEREAS, in their Motion, Plaintiffs maintain they seek a narrow stay or injunction pending appeal precluding only the enforcement of Section 7b of N.J.S.A. 34:8D-7b, to maintain the *status quo* while the Third Circuit considers the appeal as to the constitutionality of New Jersey’s temporary staffing law, N.J.S.A. 34:8D-7b. (ECF No. 39-1 at 1); and

WHEREAS, “the standard for obtaining a stay pending appeal is essentially the same as that for obtaining a preliminary injunction.” *HR Staffing Consultants, LLC v. Butts*, No.15-3155, 2015 WL 3561618, at *1 (D.N.J. June 4, 2015) (quoting *Conestoga Wood Specialties Corp. v.*

Sec'y of U.S. Dep't of Health & Human Servs., No. 13-1144, 2013 WL 1277419, at *1 (3d Cir. Feb. 8, 2013)); and

WHEREAS, not only did the law already go into effect on August 5, 2023, N.J.S.A. 34:8D-1, *et seq.*, six days prior to Plaintiffs' instant motion, but Plaintiffs reiterate the same arguments the Court considered in previously denying Plaintiffs' initial application for injunctive relief, (ECF No. 34); therefore

IT IS on this 14th day of August, 2023,

ORDERED that Plaintiff's Motion to Stay and Injunction Pending Appeal, (ECF No. 39), is **DENIED** for the same reasons as those set forth in the Court's Opinion denying Plaintiffs' initial application for injunctive relief, (ECF No. 34).



CHRISTINE P. O'HEARN
United States District Judge